UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/RES/52/251
15 September 1998

Fifty-second session
Agenda item 39 (*a*)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*without reference to a Main Committee (A/52/L.80 and Add.1)*]

52/251. Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea

The General Assembly,

Recalling its resolution 51/34 of 9 December 1996 in which, *inter alia*, it invited the Secretary-General to take steps to conclude a relationship agreement with the International Tribunal for the Law of the Sea,

Noting the decision of the International Tribunal for the Law of the Sea taken at its fifth session on 12 March 1998 to approve the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea signed on 18 December 1997 by the Secretary-General of the United Nations and the President of the International Tribunal for the Law of the Sea,

Noting also that the eighth Meeting of States Parties to the United Nations Convention on the Law of the Sea, held in New York from 18 to 22 May 1998, took note with appreciation of the report of the International Tribunal for the Law of the Sea, including paragraphs 67 and 68, relating to the conclusion of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea,[1]

[1] SPLOS/31, paras. 13 and 14, and SPLOS/27.

Having considered the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea,[2]

Approves the Agreement, which is annexed to the present resolution.

92nd plenary meeting
8 September 1998

ANNEX

Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea

The United Nations and the International Tribunal for the Law of the Sea,

Bearing in mind that, in accordance with the Charter of the United Nations, the United Nations is the principal organization dealing with matters relating to the maintenance of international peace and security and that one of the main purposes of the Organization is to bring about by peaceful means the settlement of international disputes or situations that might lead to a breach of the peace,

Acknowledging the key role played by the United Nations under the Charter in the peaceful settlement of international disputes,

Bearing in mind that the General Assembly of the United Nations in its resolution 3067 (XXVIII) of 16 November 1973 decided to convene the Third United Nations Conference on the Law of the Sea for the adoption of a convention dealing with all matters relating to the law of the sea and that the Conference adopted the United Nations Convention on the Law of the Sea[3] (hereinafter referred to as "the Convention"),

Bearing in mind also that the International Tribunal for the Law of the Sea (hereinafter referred to as "the International Tribunal") has been established in accordance with article 287, paragraph 1 (*a*), and annex VI to the Convention as an autonomous international judicial body,

Noting the role of the International Tribunal in the peaceful settlement of disputes in relation to the uses of the seas and the oceans and their resources,

Noting also that the functions of the International Tribunal are consistent with Article 2, paragraph 3, of the Charter of the United Nations, which provides that international disputes shall be settled by peaceful means,

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[2] A/52/968, annex.

[3] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

Noting further the responsibilities entrusted to the Secretary-General of the United Nations under article 319 and other provisions of the Convention,

Recalling General Assembly resolution 51/204 of 17 December 1996 inviting the International Tribunal to participate in the sessions and the work of the General Assembly in the capacity of observer,

Taking note of General Assembly resolution 51/34 of 9 December 1996 and the decision of the first session of the International Tribunal calling for the conclusion of a relationship agreement between the United Nations and the International Tribunal,

Have agreed as follows:

Article 1

General

1. The United Nations recognizes the International Tribunal for the Law of the Sea as an autonomous international judicial body with jurisdiction as provided for in the relevant provisions of the Convention and the statute of the International Tribunal annexed thereto.

2. The International Tribunal recognizes the responsibilities of the United Nations under the Charter, in particular in the fields of international peace and security, economic, social, cultural and humanitarian development and the peaceful settlement of international disputes.

3. The United Nations and the International Tribunal each undertake to respect the status and mandate of the other and to establish cooperative working relations pursuant to the provisions of the present Agreement.

Article 2

Cooperation and coordination

The United Nations and the International Tribunal, with a view to facilitating the effective attainment of their objectives and the coordination of their activities, shall:

(*a*) Consult and cooperate, whenever appropriate, on matters of mutual concern; and

(*b*) Pursue, whenever appropriate, initiatives to coordinate their activities.

Article 3

Reciprocal representation

1. Without prejudice to the decision of the General Assembly in its resolution 51/204 granting observer status to the International Tribunal, and subject to such decisions as may be taken concerning the attendance of meetings by observers, the United Nations shall, subject to the rules and practices of the

bodies concerned, invite the International Tribunal to attend meetings and conferences convened under the auspices of the United Nations, where observers are allowed, and whenever matters of interest to the International Tribunal are under discussion.

2. Subject to the applicable provisions of the rules of the International Tribunal, the Secretary-General of the United Nations or representatives of the Secretary-General may attend public meetings of the International Tribunal or its Seabed Disputes Chamber, including oral hearings.

3. Subject to the rules of the International Tribunal, written statements submitted by the United Nations to the International Tribunal for distribution shall be distributed by the Registry to the members of the International Tribunal. Written statements presented by the International Tribunal to the United Nations for distribution shall be distributed by the Secretariat of the United Nations to all members of the appropriate organs of the United Nations in accordance with the relevant rules of procedure. Such written statements shall be circulated in the quantities and languages in which they were made available to the Registry or the Secretariat.

Article 4

Exchange of information and documents

1. The United Nations and the International Tribunal shall, to the fullest extent possible and practicable, and subject to paragraphs 2 and 3 of the present article, arrange for the regular exchange of information and documents of mutual interest. In particular:

(*a*) The Secretary-General of the United Nations shall:

(i) Periodically transmit to the International Tribunal information on developments relating to the Convention that are relevant to the work of the International Tribunal, including copies of communications received by the Secretary-General in the capacity of depositary of the Convention or depositary of any other agreement which confers jurisdiction on the International Tribunal;

(ii) Transmit to the International Tribunal copies of any documents notified to the Secretary-General or otherwise communicated to the United Nations by the International Court of Justice pursuant to its Statute and Rules of Court;

(iii) Subject to the applicable rules and regulations and the obligations of the United Nations under the relevant agreements, furnish to the International Tribunal information requested by it as relevant to a case before it.

(*b*) The Registrar of the International Tribunal shall:

(i) Periodically transmit to the United Nations information concerning developments under the Convention that are related to the activities of the International Tribunal;

(ii) Transmit to the United Nations information and documentation relating to the work of the International Tribunal, including documentation relating to pleadings, oral proceedings, orders, judgements and other communications and documentation, including those relating to

applications submitted to the International Tribunal in accordance with articles 290 and 292 of the Convention;

(iii) Furnish to the United Nations, with the concurrence of the International Tribunal and subject to its statute and rules, any information relating to the work of the International Tribunal requested by the International Court of Justice.

2. Nothing in the present Agreement shall be construed to require either the United Nations or the International Tribunal to furnish any information, the provision of which would, in its judgement, constitute a violation of the confidentiality of such information or of rights in proprietary materials.

3. The United Nations and the International Tribunal shall make every effort to achieve maximum cooperation with a view to avoiding undesirable duplication in the collection, analysis, publication and dissemination of information related to matters of mutual interest. They shall strive to combine their efforts, where appropriate, to secure the greatest possible usefulness and utilization of such information and to minimize the burdens placed upon national Governments and other organizations from which such information may be collected.

Article 5

Reports to the United Nations

The International Tribunal shall keep the United Nations informed of its activities that may require the attention of the United Nations. For this purpose, the International Tribunal may, when it deems it appropriate:

(*a*) Submit reports to the United Nations through the Secretary-General of the United Nations; and

(*b*) Notify the Secretary-General of the United Nations whenever, in its opinion, a question within the competence of the Security Council, in particular relating to the application of article 298, paragraph 1 (*c*), of the Convention, arises in connection with the work of the International Tribunal.

Article 6

Personnel arrangements

1. The United Nations and the International Tribunal agree to apply, as far as practicable, common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel and to facilitate any mutually desirable interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the International Tribunal agree to cooperate to the fullest extent possible in achieving these ends and in particular they agree to:

(*a*) Consult periodically on matters of mutual interest relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scale and allowances, retirement and pension rights and staff regulations and rules, with a view to securing as much uniformity in these matters as shall be found feasible;

(*b*) Cooperate in the interchange of personnel, when desirable, on a temporary or permanent basis, making due provision for the retention of seniority and pension rights;

(*c*) Strive for maximum cooperation in order to achieve the most efficient use of specialized personnel, systems and services;

(*d*) Cooperate in seeking an arrangement that will allow the extension of the competence of the United Nations Administrative Tribunal to the staff of the Registry of the International Tribunal.

Article 7

Conference services

1. Upon the request of the International Tribunal, the United Nations may, subject to availability, provide to the International Tribunal, on a reimbursable basis, such facilities and services as may be required for the sessions of the International Tribunal, including translation and interpretation services, documentation and conference services.

2. The terms and conditions under which any facilities or services of the United Nations in connection with the matters referred to in the present article may be extended to the International Tribunal shall, where necessary, be the subject of supplementary arrangements concluded for this purpose.

Article 8

Administrative cooperation

The United Nations and the International Tribunal recognize the desirability of cooperation in administrative matters of mutual interest. They shall consult from time to time concerning the most efficient use of facilities, staff and services with a view to avoiding the establishment and operation of overlapping facilities and services. They shall also consult to explore the possibility of continuing or establishing common facilities or services in specific areas.

Article 9

Laissez-passer

Members of the International Tribunal, the Registrar and other officials of the Registry shall be entitled, in accordance with such special arrangements as may be concluded between the Secretary-General of the United Nations and the International Tribunal, to use the laissez-passer of the United Nations as a valid travel document where such use is recognized by States parties to the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea or other agreements defining the privileges and immunities of the International Tribunal, its members and officials. The above is without prejudice to the right of the International Tribunal to issue its own travel documents.

Article 10

Budgetary and financial matters

1. The International Tribunal recognizes the desirability of establishing close budgetary and financial relationships with the United Nations so that the maximum measure of coordination and uniformity with respect to administrative operations may be secured.

2. The United Nations and the International Tribunal agree to cooperate to the fullest extent possible in achieving these ends.

3. The International Tribunal agrees to conform, as far as may be practicable and appropriate, to standard practices and forms recommended by the United Nations.

4. The Registrar of the International Tribunal may consult with the Secretary-General of the United Nations with a view to achieving consistency in the presentation of the budget of the International Tribunal with that of the United Nations.

5. The United Nations may, upon request of the International Tribunal, provide advice on financial and fiscal questions of interest to the International Tribunal with a view to achieving coordination and securing uniformity in such matters.

Article 11

Financing of services

The costs and expenses resulting from the cooperation or the provision of services pursuant to the present Agreement shall be subject to separate arrangements between the United Nations and the International Tribunal. To that end, the United Nations and the International Tribunal shall consult each other with a view to determining the most equitable manner in which such costs and expenses shall be borne.

Article 12

Implementation of the Agreement

The Secretary-General of the United Nations and the Registrar of the International Tribunal may enter into such supplementary arrangements for the implementation of the present Agreement as may be found desirable in the light of the operating experience of the United Nations and the International Tribunal.

Article 13

Amendments

The present Agreement may be amended by agreement between the United Nations and the International Tribunal. Any such amendment agreed upon shall enter into force on its approval by the General Assembly of the United Nations and by the International Tribunal.

Article 14

Entry into force

1. The present Agreement shall come into force on its approval by the General Assembly of the United Nations and by the International Tribunal.

2. Pending such approval the present Agreement shall be applied provisionally from the date of its signature by the Secretary-General of the United Nations and the President of the International Tribunal.

IN WITNESS WHEREOF, the undersigned have signed the present Agreement.

SIGNED this 18th day of December 1997 at United Nations Headquarters in New York in two originals in the English language.

For the United Nations:

(*Signed*) Kofi A. ANNAN
Secretary-General

For the International Tribunal
for the Law of the Sea:

(*Signed*) Thomas A. MENSAH
President

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General Assembly

Distr.
GENERAL

A/RES/52/252
29 September 1998

Fifty-second session
Agenda items 114, 153 and 157

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Fifth Committee (A/52/955/Add.1)*]

52/252. Revisions to article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules of the United Nations

The General Assembly,

Recalling Articles 97, 98, 100, 101 and 105 of the Charter of the United Nations,

Recalling also its resolution 52/12 B of 19 December 1997,

Noting with concern the limited time it had at its disposal to consider this matter,

Having considered the reports of the Secretary-General of 17 October 1997[1] and 28 July 1998[2] entitled "Proposed United Nations Code of Conduct",

Taking note with appreciation of the comments provided by the International Civil Service Commission on the revised text of article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules applicable to United Nations staff members,[3]

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[1] A/52/488.

[2] A/52/488/Add.1.

[3] See A/52/30/Add.1.

Taking note of the views expressed by Member States in the Fifth Committee on this question,[4]

Having heard the views expressed by staff representatives in the Fifth Committee[5] in accordance with General Assembly resolution 35/213 of 17 December 1980,

1. *Adopts* the revised text of article I of the Staff Regulations, and takes note of the revised text of chapter I of the 100 series of the Staff Rules applicable to United Nations staff members, as set out in annex I to the report of the Secretary-General of 17 October 1997,[1] and not to other organizations, subject to the following modifications:

(*a*) The provisions contained in new staff regulations 1.1 (*c*) and 1.2 (*g*), and in new staff rule 101.2 (*h*) of the original proposal as set out in the report of the Secretary-General of 17 October 1997, which deal with staff representatives, are deleted, as indicated in the report of the Secretary-General of 28 July 1998;[2]

(*b*) The phrase "and in the relevant resolutions and decisions of the General Assembly" is inserted after "Staff Regulations and Rules" in new staff regulation 1.1 (*c*);

(*c*) The phrase "in the employment of staff and" is deleted from new staff regulation 1.1 (*d*);

(*d*) Article 99 is deleted from annex I, section A;[1]

(*e*) At the end of new staff regulation 1.1 (*f*), the words "in accordance with the relevant instruments" are added;

(*f*) New staff regulation 1.2 (*o*) is replaced with the following:

"All staff members at the assistant secretary-general level and above shall be required to file financial disclosure statements upon appointment and at intervals as prescribed by the Secretary-General, in respect of themselves and their dependent children, including any substantial transfers of assets and property to spouses and dependent children from the staff member or from any other source that might constitute a conflict of interest, after knowledge of the appointment or during its tenure, to provide certification stating that there is no conflict of interest with regard to the economic activities of spouses and dependent children, and to assist the Secretary-General in verifying the above-mentioned certification on his special request. The financial disclosure statements will remain confidential and will only be used, as prescribed by the Secretary-General, in making determinations pursuant to staff regulation 1.2 (*n*);"

2. *Decides* to insert between the second and third sentences of the text of the "Scope and purpose" provision of the Staff Regulations, the following sentence:

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[4] See *Official Records of the General Assembly, Fifty-second Session, Fifth Committee*, 53rd, 56th, 58th and 67th to 69th meetings (A/C.5/52/SR.53, 56, 58 and 67-69), and corrigendum.

[5] Ibid., 53rd meeting (A/C.5/52/SR.53), and corrigendum.

"For the purposes of these Regulations, the expressions 'United Nations Secretariat', 'staff members' or 'staff' shall refer to all the staff members of the Secretariat, within the meaning of Article 97 of the Charter of the United Nations, whose employment and contractual relationship are defined by a letter of appointment subject to regulations promulgated by the General Assembly pursuant to Article 101, paragraph 1, of the Charter of the United Nations.";

3. *Decides also* that the amendments to the Staff Regulations adopted in the present resolution and the related amendments to the Staff Rules shall become effective on 1 January 1999;

4. *Emphasizes* that the implementation of new staff regulation 1.2 (*b*) should take into account also the definition of integrity provided in the 1954 report of the International Civil Service Advisory Board entitled *Standards of Conduct in the International Civil Service*, in accordance with paragraph 28 of the comments of the International Civil Service Commission;[3]

5. *Also emphasizes* that the implementation of new staff rule 101.2 (*d*) should be in accordance with the definition provided in administrative instruction ST/AI/379 of 29 October 1992;

6. *Further emphasizes* that managers, as staff members, are bound by the duties and obligations set out in new article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules, and that their higher-level functions and responsibilities entail increased accountability for the proper performance of all their duties in managing the human and financial resources entrusted to them;

7. *Requests* the Secretary-General to emphasize in the commentary on new article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules that the higher level of responsibilities associated with managerial functions entails a commensurate increase in the accountability of managers;

8. *Stresses* the importance of the provisions governing the status and the basic rights and duties of staff members, requests the Secretary-General to issue to every staff member in separate form the text of Articles 97, 98, 100, 101 and 105 of the Charter of the United Nations and relevant extracts from the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly in its resolution 22 A (I) of 13 February 1946, as well as the text of new article I of the Staff Regulations and chapter I of the 100 series of the Staff Rules, together with the explanatory commentary,[6] the text of the present resolution and the 1954 report of the International Civil Service Advisory Board entitled *Standards of Conduct in the International Civil Service*;

9. *Requests* the Secretary-General to expedite the submission to the General Assembly, by its fifty-fourth session, of appropriate regulations and rules governing the status, basic rights and duties of the Secretary-General, officials other than Secretariat officials and experts on mission;

10. *Also requests* the Secretary-General to prepare, as a matter of priority, additional rules for particular groups of staff such as finance officers, procurement officers and staff of separately funded organs, in accordance with paragraph 10 of his report;[1]

11. *Further requests* the Secretary-General to prepare for consideration by the General Assembly at its fifty-fourth session a text of the Staff Regulations drafted in gender-neutral terms;

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[6] See A/52/488, annex II, and A/52/488/Add.1, sect. II.

12. *Notes* that the Secretary-General will prepare amendments to the 200 and 300 series of the Staff Rules to reflect the amendments to article I of the Staff Regulations, and notes also that such amendments to the Staff Rules are subject to the requirements of staff regulations 12.2, 12.3 and 12.4;

13. *Notes further* that the International Civil Service Commission has decided to include in its work programme the updating of the 1954 *Standards of Conduct in the International Civil Service* of the International Civil Service Advisory Board in consultation with the Consultative Committee on Administrative Questions, and looks forward to the results of this review.

92th plenary meeting
8 September 1998